

PHYSICIANS FOR SOCIAL RESPONSIBILITY * SIERRA CLUB * EARTHJUSTICE * CLEAN WATER ACTION *
ENVIRONMENTAL INTEGRITY PROJECT

June 17, 2015

Administrator Gina McCarthy
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: Docket No. EPA-HQ-OW-2009-0819

Dear Administrator McCarthy:

On behalf of our millions of members and supporters, our organizations urge the Environmental Protection Agency (EPA) to uphold the Clean Water Act's objectives by adopting a strong rule limiting toxic water pollution from steam electric generating units (EGUs). Specifically, we ask you to finalize proposed Option 5, which sets standards for both bottom ash and fly ash transport water based on dry handling or closed loop systems, and standards for scrubber wastewater based on evaporation technologies.

As you are aware, the EPA is required to finalize long-overdue effluent limitation guidelines for steam EGUs by September 30, 2015, and your staff has been hard at work resolving issues raised during the comment period, which closed nearly two years ago. Several of our organizations agreed to a significant 18-month extension of the previously enforceable deadline, with the expectation that this extension would give your staff sufficient time to gather additional evidence to support a strong rule.

A strong rule—one that eliminates discharge of coal ash handling water and significantly reduces pollution loads in scrubber wastewater—would have tremendous public health benefits. Our organizations have just released a report detailing the many public health benefits of a strong rule, including reduced risks of cancer, neurological damage in children, and other serious health risks, thanks to cleaner drinking water and fewer contaminated fish. A copy of the report, *Selling Our Health Down the River: Why EPA Needs to Finalize the Strongest Rule to Stop Water Pollution from Power Plants*, is enclosed with this letter.

We therefore urge you to finalize a rule corresponding to proposed Option 5, which will make significant reductions in the loadings of dangerous carcinogens and neurotoxins such as arsenic, mercury, and lead in waters used for drinking water supply, fishing and recreation. The enclosed report explains that while EPA quantified a portion of these benefits as part of the Benefit-Cost Analysis released with the proposed rule—at \$14 to \$20 million a year—the portion of health benefits *not* quantified by EPA was far greater. We expect that your agency has been able to quantify additional benefits in developing the final rule documentation, but also urge you to consider the very substantial, but difficult to quantify, human health benefits of Options 4 or 5 in making your final decisions regarding the rule. Robust

protections for watersheds and human health are indisputably affordable for the industry—costing less than one percent of the average power plant’s revenue.

Despite the clear language of the Clean Water Act and the EPA’s efforts to provide guidance, state permitting officials have utterly failed to implement technology-based limits on toxic water pollution from coal plants. It is past time for EPA to step up and adopt strong effluent limitation guidelines for this industry, which is responsible for over half of the toxic water pollution in this country.

In sum, we ask you to recognize that the best available technology for coal ash and scrubber waste streams are those that eliminate most of the toxic water pollution that coal, oil and gas burning power plants are currently allowed to discharge. Thank you for considering our views.

Sincerely,

Michael Brune
Executive Director
Sierra Club

Trip Van Noppen
President
Earthjustice

Eric Schaeffer
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Environmental Integrity Project

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